

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 014001

COMMON CAUSE, *et al.*

Plaintiffs,

v.

Representative DAVID R. LEWIS,
in his official capacity as Senior
Chairman of the House Select
Committee on Redistricting, *et al.*,
Defendants.

ORDER ON LEGISLATIVE
DEFENDANTS' MOTION
TO ISSUE DIRECTION
TO PLAINTIFFS

THIS MATTER comes before the undersigned upon Legislative Defendants' Motion for the Court to Issue Direction to Plaintiffs Regarding Privileged Documents Within their Possession and Control, filed August 30, 2019.

On July 12, 2019, the Court granted non-party Geographic Strategies's request to inspect the Hofeller files, and allowed it until August 30, 2019 to provide the Court with an itemization of all files to which it claims ownership or other claim of right and contends ought to be treated as confidential. On August 30, 2019, Geographic Strategies filed this itemization. Also on August 30, 2019, Legislative Defendants filed their own list of files which they believe are privileged or constitute work product, and now request that this Court designate these files as confidential and direct Plaintiffs to destroy any privileged files in their possession and control. On September 13, 2019, Plaintiffs filed a response opposing Legislative Defendants' motion.

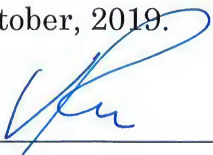
After considering Legislative Defendants' motion to issue direction and the matters contained therein, as well as the parties' briefs, and having reviewed the

record proper, the Court, in its discretion, declines to grant Legislative Defendants' requested relief.

Legislative Defendants' present motion mirrors requests it previously made at an earlier stage in this litigation that were denied by the Court. On June 6, 2019, Plaintiffs filed a motion requesting that this Court direct Legislative Defendants to stop purporting to designate the entirety of the files as highly confidential and stop demanding that Plaintiffs return and destroy the files in their entirety. Legislative Defendants, in their June 17, 2019, brief in opposition to Plaintiffs' motion, requested that this Court order Plaintiffs to disclose the extent of their review of the files and divest themselves of the files. In its order issued on July 12, 2019, the Court noted that Legislative Defendants' delay in bringing its concerns regarding the confidentiality of the files before the Court contributed to any prejudice they claimed to have suffered, and therefore denied Legislative Defendants' requested relief at that late stage of the litigation. For the same reasons, Legislative Defendants' current motion is denied.

WHEREFORE, the Court, for the reasons stated herein and in the exercise of its discretion, hereby ORDERS that Legislative Defendants' Motion to Issue Direction is DENIED.

SO ORDERED, this the 3rd day of October, 2019.

A handwritten signature in blue ink, appearing to read "V. Rozier", is written over a horizontal line.

Vince M. Rozier, Jr., Superior Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons indicated below by electronic mail, addressed as follows:

Edwin M. Speas, Jr.
Caroline P. Mackie
POYNER SPRUILL LLP
espeas@poynerspruill.com
cmackie@poynerspruill.com
Counsel for Common Cause, the North Carolina Democratic Party, and the Individual Plaintiffs

R. Stanton Jones
David P. Gersch
Elisabeth S. Theodore
Daniel F. Jacobson
ARNOLD & PORTER KAYE SCHOLER LLP
Stanton.jones@arnoldporter.com
David.gersch@arnoldporter.com
Elisabeth.theodore@arnoldporter.com
Daniel.jacobson@arnoldporter.com
Counsel for Common Cause and the Individual Plaintiffs

Marc E. Elias
Aria C. Branch
Abha Khanna
PERKINS COIE LLP
melias@perkinscoie.com
abbranch@perkinscoie.com
akhanna@perkinscoie.com
Counsel for Common Cause and the Individual Plaintiffs

Phillip J. Strach
Thomas A. Farr
Michael McKnight
Alyssa Riggins
OGLETREE DEAKINS NASH SMOAK & STEWART PC
Phillip.strach@ogletreedeakins.com
Tom.farr@ogletreedeakins.com
Michael.mcknight@ogletreedeakins.com
Alyssa.riggins@ogletree.com
Counsel for Legislative Defendants

Richard Raile
Mark Braden
Trevor Stanley
Katherine McKnight
Elizabeth Scully
BAKER & HOSTETLER LLP
rraile@bakerlaw.com
mbraden@bakerlaw.com
tstanley@bakerlaw.com
kmcknight@bakerlaw.com
escully@bakerlaw.com
Counsel for Legislative Defendants

Stephanie A. Brennan
Amar Majmundar
Paul Cox
NC DEPARTMENT OF JUSTICE
sbrennan@ncdoj.gov
amajmundar@ncdoj.gov
pcox@ncdoj.gov
Counsel for the State of North Carolina and members of the State Board of Elections

Katelyn Love
NC STATE BOARD OF ELECTIONS
legal@ncsbe.gov
Counsel for the State Board of Elections

John E. Branch, III
Nathaniel J. Pencook
Andrew D. Brown
SHANAHAN LAW GROUP PLLC
jbranch@shanahanlawgroup.com
npencook@shanahanlawgroup.com
abrown@shanahanlawgroup.com
Counsel for Defendant-Intervenors

This the 3rd day of October, 2019.



Kellie Z. Myers

Trial Court Administrator – 10th Judicial District
kellie.z.myers@nccourts.org